

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48927 of 2024

Arising Out of PS. Case No.-114 Year-2024 Thana- SAUR BAZAR District- Saharsa

Nitish Kumar S/O Sri Brajesh Yadav R/O Village- Sabaila, Ward No. 05, P.S-
Saurbazar, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-09-2024 Heard Mr. Pramod Mishra, learned Advocate for the
petitioner and Mr. Satyendra Narayan Singh, learned APP for
the State.

2. Application of grant of bail to the petitioner, who is
in custody in connection with Sour Bazar (Bajinathpur O.P.) P.S.
Case No.114 of 2024 registered for the offence punishable under
Sections 341, 323, 324, 307, 504, 506/34 of the Indian Penal
Code and Sections 25(1-B)(a), 35, 37, 27 of the Arms Act.

3. The allegation against the petitioner is of causing
firearm injury to the brother of the informant due to which he
sustained grievous injury.

4. Learned Advocate for the petitioner contended that
both the parties are villagers and on account of a free fight the
persons of both the sides sustained injuries. In fact on the fateful



day, the petitioner was also brutally assaulted by the villagers due to which he sustained serious injuries and referred to the hospital where he had also undergone treatment. It is next contended that the petitioner is a student and has been pursuing his B.Tech course in the Directorate of Technical Education, Bhopal, Madhya Pradesh having bright future. Keeping the petitioner behind the bar would ruin his future prospect. It is also the contention of the learned Advocate for the petitioner that now the petitioner has sufficiently been punished and he has been incarcerated since 17.02.2024.

5. On the other hand, learned APP for the State vehemently opposed the bail application and submits that apart from the specific nature of accusation against the petitioner, the victim brother of the informant has sustained grievous firearm injury over his head.

6. Regard being had to the submissions made on behalf of the parties and considering the specific nature of accusation of causing firearm injury over the head of the brother of the informant coupled with the two criminal antecedent, this Court is not acceded to the prayer of the petitioner and accordingly, the prayer for bail of the petitioner stands rejected. Considering the tender age of the petitioner, he shall be at



liberty to renew his prayer of application after framing of the charge.

(Harish Kumar, J)

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